

Heber City Corporation
City Council Meeting
June 4, 2015
7:00 p.m.

REGULAR MEETING

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on June 4, 2015, in the City Council Chambers in Heber City, Utah

I. Call to Order
City Manager Memo

Present: Mayor Alan McDonald
Council Member Jeffery Bradshaw
Council Member Erik Rowland
Council Member Heidi Franco
Council Member Kelleen Potter

Excused: Council Member Robert Patterson

Also Present: City Manager Mark Anderson
City Recorder Michelle Kellogg
City Engineer Bart Mumford
Planning Director Anthony Kohler
Police Sergeant Jeremy Nelson

Others Present: Ryan Starks, Mel McQuarrie, Laurie Wynn, Justin Johnston, Mike Swallow, Dianna Johnston, Paul Boyer, Nick Baird, Wes Bingham, Brian Balls, Sheila Johnston, Wade Kelson and others whose names were illegible.

II. Pledge of Allegiance: Council Member Jeffery Bradshaw

III. Prayer/Thought: Council Member Heidi Franco

IV. Minutes for Approval: May 7, 2015 Regular Meeting
May 7, 2015 Regular Meeting Minutes

Council Member Potter moved to approve the May 7, 2015 Regular Meeting minutes. Council Member Franco made the second. Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Council Member Robert Patterson was excused.

V. Open Meeting for Public Comments

Mayor McDonald asked for those in the audience who wished to address the Council to do so at this time.

Paul Boyer stated the Airport Advisory Board was discussing hangar leases. He passed out information he compiled, and reviewed the history of the hangars. It was indicated there were five different hangar lease types at the airport. He felt this was a problem and quoted FAA rules about non-discrimination with regard to fees and leases.

1. Approve Ordinance 2015-15, an Ordinance Amending Chapter 18.44 I-1 Industrial Zone, of the Heber City Municipal Code Industrial Zone Staff Report Ordinance 2015-15

Kohler stated Three Strings Holdings was purchasing the Airport Industrial Park, and within the purchase contract, it was agreed to create an I-2 Industrial Zone. This new zone would prohibit businesses such as storage sheds and promote more quality businesses. The Planning Commission saw some other adjustments while drafting this ordinance and included changes to make both the I-1 and I-2 Industrial zones more business friendly.

Council Member Franco asked what natural colors meant within this ordinance. Kohler considered that to be earth tones. Council Member Franco asked how high the overlay zone was. Anderson explained the regulation and stated he would be surprised if a business came in that would exceed those height restrictions.

After some discussion Council Member Franco felt the clause giving the decisions regarding conditional use building height restrictions to the Planning Commission should be removed, and felt the Council should make the height limit decisions. Council Member Potter agreed. Council Member Rowland stated if height or other aspects was allowable in the ordinance and the business met the requirements, then there would be nothing to dispute and the Planning Commission would be fine to approve the plans.

Anderson noted that Paragraph A of 18.44.025 should not be omitted or Cowboy Village would not be allowed to relocate.

Council Member Franco moved to approve Ordinance 2015-15, an ordinance amending Chapter 18.44, I-1 Industrial Zone, of the Heber City Municipal Code, with the change in Section 18.44.050 to leave the current text in the first paragraph and add the following language to the end of the second paragraph, "No building that receives a conditional use permit shall be approved over 60 feet in height." Also in Section 18.44-025, to leave Paragraph A as originally written but move it to be included with the new language as Paragraph C. Council Member Potter made the second.

Council Member Rowland felt the first paragraph was fine as originally written, but he could not agree with the height restriction addition.

Voting Aye: Council Members Jeffery Bradshaw, Heidi Franco, and Kelleen Potter. Voting Nay: Council Member Erik Rowland. Council Member Patterson was excused.

2. Approve Ordinance 2015-16, an Ordinance Adopting Chapter 18.45 I-2 Industrial Zone, of the Heber City Municipal Code
Ordinance 2015-16

Council Member Franco asked if any special events clauses should be included in this ordinance. Anderson stated that was not necessary.

Council Member Franco moved to approve Ordinance 2015-16, an ordinance adopting Chapter 18.45, I-2 Industrial Zone, of the Heber City Municipal Code, and include the same Council approval and height restriction language in Section 18.45.050 as in the previous motion. Council Member Potter made the second.

Voting Aye: Council Members Jeffery Bradshaw, Heidi Franco, and Kelleen Potter. Voting Nay: Council Member Erik Rowland. Council Member Patterson was excused.

3. Approve Ordinance 2015-17, an Ordinance Amending the Heber City Zone Map to Change the Zoning of approximately 39 acres of property located at 601 West Airport Road from I-1 Industrial Zone to I-2 Industrial Zone
Ordinance 2015-17

Council Member Bradshaw moved to approve Ordinance 2015-17, an ordinance amending the Heber City Zone Map to change the zoning of approximately 39 acres of property located at 601 West Airport Road from I-1 Industrial Zone to I-2 Industrial Zone. Council Member Rowland made the second.

Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Council Member Robert Patterson was excused.

4. Approve Resolution 2015-08, a Resolution Amending the Heber City Personnel Policy Section 6.3, Certification Testing; Section 13.6, Appointments, Reinstatements, Promotions and Transfers; and Section 13.10, Special Assignment Pay
Resolution 2015-08

Council Member Potter moved to approve Resolution 2015-08, a resolution amending the Heber City Personnel Policy Section 6.3, Certification Testing; Section 13.6, Appointments, Reinstatements, Promotions and Transfers; and Section 13.10, Special Assignment Pay. Council Member Franco made the second.

Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Council Member Robert Patterson was excused.

5. Approve/Reject the Witt-Heiner Annexation Petition
Annexation Petition and Plat Map

Kohler reviewed the boundaries of the proposed annexation. He stated it was contiguous to the City and was within the General Plan. The recommendation of the Planning Commission was that this area should be all commercial, but the proposed annexation included some residential development.

It was indicated in response to Council Member Franco's question that the petitioner was in favor of having access points on back streets and not on Highway 40. Council Member Franco asked if the petitioners were aware that the streets approaching Highway 40 would be realigned to be perpendicular. It was indicated that there had been discussions on this topic with the developer. Anderson explained that this area would be serviced by Twin Creeks Special Service District for sewer service and the City would provide water service.

Council Member Franco asked what types of businesses would be allowed in the designated commercial zones. Kohler stated big box would not be permitted, but light office, retail, and businesses similar to those on Main Street would be acceptable. Kohler noted the biggest commercial building size allowed would be 40,000 square feet.

Council Member Rowland moved to accept the Witt-Heiner Annexation Petition. Council Member Bradshaw made the second.

Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Council Member Robert Patterson was excused.

6. JDII LLC, Approve Heber Meadows Subdivision Phase 2, located at approximately 2740
South 1040 East
Heber Meadows Phase 2

Kohler explained that this subdivision was vacated and turned into smaller subdivisions during the recession, so much of the infrastructure was already in place. It was noted that Lot A would be dedicated to the City for utilities.

Council Member Potter moved to approve Heber Meadows Subdivision Phase 2, subject to the conditions outlined by the Planning Commission. Council Member Rowland made the second.

Voting Aye: Council Members Jeffery Bradshaw, Erik Rowland, Heidi Franco, and Kelleen Potter. Council Member Robert Patterson was excused.

7. Approve the Northwest Sewer Bid Award
2015 Northwest Sewer Contract Award
Sewer Revenue Bonds 10 Year Amortization Schedule
Sewer Revenue Bonds 15 Year Amortization Schedule

Anderson stated that the bids were opened and the sewer portion of the project cost was higher than expected, being \$2.25 million. Anderson asked Kohler to prepare a likely density for this area. He reviewed the expense to the City already for this area, which would be paid by impact fees, and expressed some concern with the cost to provide services for this area compared to the income that would come from it.

Anderson discussed the need to acquire a \$1 million bond to help pay for this project. Mumford added that a lift station would save money, but most cities recommended avoiding them because the maintenance costs would eat up the savings. Geneva Rock agreed to hold their bid for two more weeks while he gathered more information. He recommended awarding the bid at the next City Council meeting. Anderson asserted one option could be to require a separate impact fee for this area because the cost to provide sewer would be higher. He also thought this project would be completed in the spring of 2016, but Geneva Rock was confident they could finish in the fall of this year. If that were the case, Anderson indicated he would need to immediately begin the process of acquiring funding.

Mayor McDonald stated he would not recommend a pump station because of the high maintenance costs. Council Member Franco asked how quickly numbers could be assessed for a unique impact fee, stating she would support that impact fee. Anderson indicated it was a six month process which included some public hearings. Council Member Franco asserted she was also in favor of requiring prepayment from the developers so the City's borrowed amount could be reduced. Mumford noted some of the existing sewer line in central Heber would be replaced but the line would serve the property north of town.

Council Member Rowland commented that the petition tonight for reduced impact fees might be considered when talking about an additional impact fee. He also stated this area would be commercial and light industrial which would bring in much more revenue than residential areas. It was indicated that Kohler had calculated that 15 acres would be developed as commercial property within this development. Council Member Franco proposed giving rebates on impact fees. The Council agreed to budget for the \$1 million bond.

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder